

REMARKS

The Applicant does not believe that examination of the foregoing amendment will result in the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the above amendment be entered in and that the claims to the present application, kindly, be reconsidered.

The Final Office Action dated April 6, 2005 has been received and considered by the Applicants. Claims 1-11 are pending in the present application for invention. Claims 1, 3-7 and 9 are rejected by the April 6, 2005 Final Office Action. Claims 2, 8, 10 and 11 are stated as being objected to for being dependent upon a rejected base claims but are otherwise stated as being allowable. The foregoing amendment to the claims presents Claims 2, 8 and 10 in independent form. Claim 11 depends from Claim 10. Therefore, Claims 2, 8, 10 and 11 are believed to be allowable.

The Final Office Action states that the subject matter defined by Claim 9 is well known within the art. The Applicant asserts that the Examiner is not viewing the recitation of Claim 9 within proper context. The switches in rejected Claim 9 correspond to sub-modules and can be used to establish connections between the hardware devices and the software modules. The Applicant, respectfully, requests the Examiner produce prior art reverences that substantiate the position taken in the Final Office Action, that it is well known within the art to use hardware switches can establish connection through the inputs and outputs to the sub-modules and the hardware components. The Applicant asserts that it is not well known to use hardware switches as defined by Claim 9.

The Final Office Action rejects Claims 1 and 3-7 under the provisions of 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,386,568 issued to Wold et al. (hereinafter referred to as Wold et al.). The MPEP at §2131 states that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

In the section labeled Response to Arguments, the Examiner states that Wold et al. teach sub-modules that correspond to the hardware modules. The Examiner's position is that col. 19. lines 52-68 of Wold et al. teach the subject matter for a computer program comprising sub-

modules (2',3') that corresponds to the hardware components (2,3) and are connected via data channels in conformity with the real signal leads between the hardware components (2,3). The Applicant, respectfully, disagrees. Col. 19, lines 52-68 of Wold et al. teach a series of devices that are daisy-chained together and interfaced with without corresponding sub-modules. The Applicant, respectfully, requests that the Examiner indicate where within Wold et al. there is any teaching for sub-modules (plural) within a computer program that correspond to the plural hardware components discussed within col. 19, lines 52-68 of Wold et al., and illustrated in Fig. 11.

The disclosure of Wold et al. relates to computational elements providing interfaces with components without disclosing or suggesting sub-modules corresponding to hardware components and connected via data channels in conformity with the real signal leads between the hardware components. The Applicant, respectfully requests that the Examiner indicate wherein within Wold et al. there is any disclosure or suggestion for sub-modules connected via data channels in conformity with the real signal leads between the hardware components. Wold et al. clearly states at col. 19, lines 64-68 that each port is controlled as previously described. The previous description is entirely void of any disclosure, or suggestion, of either sub-modules corresponding to hardware components or sub-modules that are connected via data channels in conformity with the real signal leads between the hardware components.

The Examiner has cited various passages from Wold et al. and asserts that the subject matter defined by the rejected claims lies within those passages. The Applicant, respectfully, asserts that the subject matter defined by the rejected claims is not disclosed or suggested by Wold et al. The Examiner states that Wold et al. teach the subject matter for "a plurality of hardware components, at least some of which are coupled to one another via signal leads, and also a data processing unit which serves to control the hardware components and in which a computer program can be executed, characterized in that the computer program comprises sub-modules which correspond to the hardware components and are connected via data channels in conformity with the real signal leads between the hardware components." The Examiner does not indicate how the subject matter for data channels that connect the sub-modules in conformity with real signal leads for the hardware device is met. The Applicant, respectfully assert that this subject matter is not disclosed or suggested by Wold et al. The Examiner has indicated that this

subject matter is found col. 11, lines 2-5 and col. 4, lines 65-67. The Applicant does not concur. Col. 11, lines 2-5 of Wold et al., mentions an software functions. Col. 4, lines 65-67 of Wold et al., simply states that interconnections can be made with software modules. There is no disclosure or suggestion for a computer program comprising sub-modules which correspond to the hardware components within Wold et al. Therefore, this rejection is, respectfully, traversed.

The Final Office Action rejects Claim 9 under the provisions of 35 U.S.C. §103(a) as being obvious over Wold et al. in view of Official Notice.

The Applicant does not concur that the subject matter defined by Claim 9 is well known within the art. The Applicant asserts that the Examiner is not viewing the recitation of Claim 9 within proper context. The switches in rejected Claim 9 correspond to sub-modules and can be used to establish connections between the hardware devices and the software modules. The Applicant, respectfully, requests the Examiner produce prior art references that substantiate the position taken in the Final Office Action, that it is well known within the art to use hardware switches can establish connection through the inputs and outputs to the sub-modules and the hardware components. The Applicant asserts that to be well known the use must illustrate the use of switches as claimed, i.e. sub-modules corresponding to hardware components are connected via data channels in conformity with the real signal leads between the hardware components. The Applicant asserts that it is not well known to use hardware switches as defined by Claim 9.

Claim 9 defines subject matter for a television set, a video recorder, a set top box or an audio apparatus which includes a plurality of hardware components, at least some of which are coupled to one another via signal leads, and also a data processing unit which serves to control the hardware components and in which a computer program can be executed, characterized in that the computer program comprises sub-modules which correspond to the hardware components and are connected via data channels in conformity with the real signal leads between the hardware components, wherein the sub-modules have inputs and outputs which correspond to input and outputs for the hardware components and wherein hardware switches can establish connection through the inputs and outputs to the sub-modules and the hardware components.

The Applicant assert that the subject matter of Claim 9 is not taught or suggested by Wold et al. in view of Official Notice.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

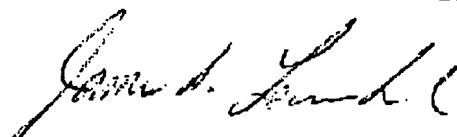
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